

REMARKS

This is in full and timely response to the non-final Office Action dated December 22, 2004 (Paper No. 20041220). The present amendment amends claims 1, 2, 4 and 5 and otherwise disputes certain findings of fact made in connection with the rejection of the claims. New claim 9 has also been added to depend from claim 3. Support for these amendments can be found variously throughout the specification, including, for example, page 12, lines 8-15. No new matter has been added. Accordingly, claims 1 to 9 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present amendment and the following remarks are respectfully requested.

Allowable Subject Matter:

The Applicant thanks the examiner for recognizing claims 2, 5, 6/2, 6/5, 7/2, 7/5 as containing allowable subject matter. In accordance with the examiner's suggestion, claims 2 and 5 have been amended so as to be set forth in allowable independent form. Thus, claims 6/2, 6/5, 7/2, 7/5, 8/7/2 and 8/7/5 are also allowable by virtue of their dependency on allowable claims 2 and 5. Withdrawal of the objection to these claims and allowance of the same are therefore respectfully requested.

Claim Rejections- 35 U.S.C. § 112

In the Action, claims 2-8 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, claims 2, 4 and 5 have been amended in accordance with the examiner's request. Withdrawal of this rejection is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 102

In the Action, claims 1 and 6/1 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent No. 6,435,629 to Egle et al. ("Egle"). This rejection is respectfully traversed.

Independent claim 1 of the present application recites, *inter alia*, a roller for a crawler type traveling vehicle wherein the roller pieces are formed integrally at a parting section by press fitting to surround a support shaft.

In contrast, although Egle arguably discloses a plurality of rim portions 132, 134 formed onto a hub 130 surrounding a roller shaft 42, Egle fails to disclose, teach or suggest *at least* roller pieces formed **integrally** at a parting section by press fitting, as is recited in claim 1 of the present invention.

Accordingly, because Egle fails to disclose, teach or suggest each and every limitation of claim 1, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”).

Moreover, aside from the novel limitations recited therein, claim 6/1, being dependent upon allowable base claim 1, is also allowable for at least the reasons set forth above. Withdrawal of the rejection of this claims is therefore courteously solicited.

Claims 1, 3, 4, 6/1, 6/3 and 6/4 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,371,362 to Dorris (“Dorris”). This rejection is respectfully traversed.

Although Dorris arguably discloses rim segments 30 retained against a hub 18 via arcuate retainer segments 40, similarly to Egle, Dorris fails to disclose, teach or suggest *at least* roller pieces formed **integrally** at a parting section **by press fitting**, as is recited in claim 1 of the present invention. Instead, as clearly illustrated in Figs. 1 and 3 of Dorris, rim segments 30 in Dorris are retained **by fastener segments 40 through the use of fasteners/bolts 42**, thereby increasing the overall complexity of the system and resulting in the various problems associated with the conventional art, each of which is overcome by the apparatus of the present application as described on page 3, lines 2-12 of the specification. Dorris thus concededly fails to disclose, teach or suggest *at least* roller pieces formed integrally at a parting section **by press fitting**.”

In an attempt to remedy the deficiencies of Dorris, the examiner has declined to give patentable weight to the “press fitting” limitation of claim 1, alleging that the “limitation of the assembly being formed by press fitting is given no patentable weight in the product claim.” Pg. 3 of Action. The examiner’s findings in this respect are respectfully traversed.

At the outset, as conceded by the examiner on pg. 3 of the Action, claim 1 of the present application is an apparatus claim, not a product-by-process claim. Regardless, even should claim 1 of the present application be interpreted as a product-by-process claim; according to Federal Circuit precedent, a limitation in a product-by-process claim should not be given patentable weight only if “the product in the product-by-process claim is the same as or obvious from a product of the prior art.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

In the present case, the structural features of the product of claim 1 of the present application are clearly distinguishable from the structural features of the product disclosed in Dorris. In particular, as illustrated in Fig. 1 of Dorris, a fastener/bolt 42 is required to fasten the retainer segments 40 and rim segments 30 onto hub 18. The product resulting from claim 1 of the present application, however, does not require any such fasteners or bolts, resulting in the advantages disclosed on page 3, lines 2-12 of the specification. Thus, since at the very least the product resulting from claim 1 of the present application is structurally distinguishable from the product disclosed by Dorris, the “press fitting” limitation should be afforded patentable weight.

Accordingly, since, as discussed above, Dorris clearly fails to disclose, teach or suggest *at least* roller pieces formed integrally at a parting section by press fitting, as is recited in claim 1 of the present invention, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested.

Moreover, aside from the novel limitations recited therein, claims 3, 4, 6/1, 6/3 and 6/4, being dependent either directly or indirectly upon allowable base claim 1, are also allowable for at least the reasons set forth above. Withdrawal of the rejection of these claims is therefore courteously solicited.

Claims 1, 3, 4, 6/1, 6/3, 6/4, 7/1, 7/3, 7/4, 7/6/3/1, 7/6/3/1, 7/6/4/1 and 8 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2002/0153773 to Yoon (“Yoon”). This rejection is respectfully traversed.

Although Yoon arguably discloses welding a left side 500a of a roller body 500 with a right side 500b of the roller body 500, similarly to Egle and Dorris, Yoon clearly fails to disclose, teach or suggest *at least* roller pieces formed integrally at a parting section by press fitting, as is recited in claim 1 of the present invention. In fact, as clearly illustrated in Figs. 1 and 3 of Yoon, the “left and right roller bodies 500a and 500b are combined by welding at the state where the roller bodies are brought into contact with each other.” Col. 2, ¶ [0020]. Yoon thus concededly fails to disclose, teach or suggest *at least* roller pieces formed integrally at a parting section **by press fitting.**”

As with the application of the Dorris reference, in an attempt to remedy the conceded deficiencies of Yoon the examiner has declined to give patentable weight to the “press fitting” limitation of claim 1 because allegedly “the manner in which the rollers (40 or 500) are assembled on the shaft ... is given no patentable weight in the apparatus claim.” Pg. 3 of Action. The examiner’s findings in this respect are respectfully traversed.

Similarly to Dorris, the structural features of the product of claim 1 of the present application are clearly distinguishable from the structural features of the product disclosed in Yoon. In particular, as illustrated in Figs. 1 and 3 of Yoon, a welding spot is required to affix the left and right sides 500a, 500b of the roller body 500. The product resulting from claim 1 of the present application, however, allows roller pieces to be formed without welding, resulting in the structural differences and advantages disclosed on page 3, lines 13-19 of the specification. Thus, since at the very least the product resulting from claim 1 of the present application is structurally distinguishable from the product disclosed by Yoon, the “press fitting” limitation should be afforded patentable weight.

Accordingly, since, as discussed above, Yoon clearly fails to disclose, teach or suggest *at least* roller pieces formed integrally at a parting section by press fitting, as is recited in claim 1 of the present invention, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested.

Moreover, aside from the novel limitations recited therein, claims 3, 4, 6/1, 6/3, 6/4, 7/1, 7/3, 7/4, 7/6/3/1, 7/6/3/1, 7/6/4/1 and 8, being dependent either directly or indirectly upon allowable base claim 1, are also allowable for at least the reasons set forth above. Withdrawal of the rejection of these claims is therefore courteously solicited.

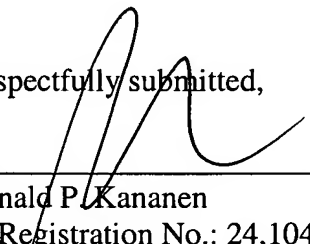
Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. KOM-157/INO, from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104
RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W.
Suite 501
Washington, DC 20036
(202) 955-3750
Attorney for Applicant